

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 UNITED STATES OF AMERICA : S2 06 Cr. 1179 (RJH)
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 :
 -v- : AFFIRMATION OF
 : JONATHAN B. NEW
 ALEKSANDER LIPKIN, et al. :
 :
 :
 Defendants. :
 -----x
 STATE OF NEW YORK)
 COUNTY OF NEW YORK)ss.:
 SOUTHERN DISTRICT OF NEW YORK)

JONATHAN B. NEW, pursuant to Title 28, United States Code, Section 1746,
 hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney for the Southern District of New York. I have been involved in the investigation and prosecution of the above-captioned matter and submit this Affirmation, and the accompanying exhibits, in opposition to the defendants' various motions in this case, including the motion to suppress Court-authorized Title III interceptions and evidence seized pursuant to a Court-authorized search warrant.

2. Attached hereto as Exhibits 1 through 5 are documents relevant to the Government's response to the defendants' various motions.

a. Exhibit 1 is a true and correct copy of the Affidavit of FBI Special Agent J. Kevin O'Donnell in support of an application for an order authorizing the interception of electronic communications over telephone number (917) 628-4994 (the "Gorvits Cellphone").

b. Exhibit 2 is a true and correct copy of the Affidavit of FBI Special Agent Michael Seifer in support of an application for an order authorizing the interception of electronic communications over telephone number (917) 589-7000 (the "Mishelevich

Cellphone”).

c. Exhibit 3 is a true and correct copy of the Affidavit of FBI Special Agent J. Kevin O'Donnell in support of an application for warrants to search: (1) the Law Office of Alex Rozenzaft, 293 Avenue S, Brooklyn, New York; (2) AGA Capital, 2729 Coney Island Avenue, 1st Floor, Brooklyn, New York; (3) AGA Capital, 2713 Coney Island Avenue, 3rd Floor, Brooklyn, New York; and (4) Rigonda Financial, 1719 East 12th Street, Brooklyn, New York.

d. Exhibit 4 is a true and correct copy of Complaint 07 Mag. 1016, United States v. Alexander Kaplan;

e. Exhibit 5 is a true and correct copy of a discovery letter dated February 15, 2007.

I declare under penalties of perjury that the foregoing is true and correct, pursuant to 28 U.S.C. § 1746.

Dated: February 22, 2008
New York, New York

Respectfully submitted,